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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,902	10/22/2003	Don Cawley	HO-P02840US0	6566

26271 7590 04/26/2005

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EXAMINER
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CRAWFORD, GENE O

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/690,902

Applicant(s)

CAWLEY, DON

Examiner

Gene O. Crawford

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) 30-81 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/22/2003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 30-81 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 30, 2005.
2. Applicant's election without traverse of claims 1-29 in the reply filed on March 30, 2005 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 21-29 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 narratively recites, "the probing tongue is moveable ... by the advancement of the lifting blade against the probing tongue" but there is no recitation of a means for carrying out this function.
5. Claims 21-29 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: it is unclear from the claim language as to how "the lifting blade" is able to move "the probing tongue" since their locations with respect to one another is not claimed.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-7, 9, 21, 23-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmalz et al. in view of Brinker et al.

The depalletizing apparatus for separating objects from a stack of objects disclosed by Schmalz et al. includes: a suction device 21, 22 including one or more suction cups; a probing tongue 25b; a lifting blade 25a, 27; an object/tongue localization sensors 13 (column 9, lines 13-23); the suction device 21, 22, lifting blade 25a both moveable vertically and horizontally via a handling robot 8, 9; and the lifting blade 25 including two forks horizontally moveable to one another (column 13, lines 9-18). Schmalz et al. does not disclose the objects being moved are a collection of stack objects from a stack. However, Brinker et al. discloses the broad teaching of having a depalletizing apparatus having suction devices and a probing tongue/lifting blade for separating and transporting a collection of stacked blanks Z from a stack P. It would have been obvious to one of ordinary skill in the art to provide the depalletizing apparatus disclosed by Schmalz et al. separate and transport a collection of stacked objects from a stack to facilitate moving smaller portions of a bigger stack to allow for efficient feed of the smaller stack into a processing machine as taught by Brinker et al.

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8. Claims 2, 8, 10-14, 15-20, 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmalz et al. in view of Brinker et al. as applied to claims 1 and 21 above, and further in view of Donner et al.

The depalletizing apparatus disclosed by Schmalz et al. in view of Brinker et al. includes all the claimed features but does not disclose a compression device for applying a downward force on an uppermost stacked object. However, Donner et al. discloses the broad teaching of providing a depalletizing apparatus having a suction device and probing tongue/lifting blade with a compression device 21 for applying a compression force on an uppermost stacked object. It would have been obvious to one of ordinary skill in the art to provide the apparatus disclosed by Schmalz et al. in view of Brinker et al. with a compression device to facilitate a downward force on the uppermost stacked object to assist in removal of the object from the stack as taught by Donner et al.

### ***Conclusion***

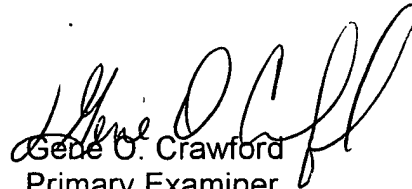
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are cited to show the art with respect to depalletizing devices: Focke et al., Neri et al. and Tacchi et al.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene O. Crawford whose telephone number is 571/272-6911. The examiner can normally be reached on Monday thru Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571/272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gene O. Crawford  
Primary Examiner  
Art Unit 3651

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